HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
HON'BLE SRI JUSTICE D.APPA RAO

W.A.No.317 of 2005
AND
W.A.NO.817 OF 2004
AND
W.P.NO.4878 OF 2005

COMMON JUDGMENT: (Per BPR,J)

In W.A.No.317 of 2005 the appellant is a third party. The employee of the respondent No.2 bank seeks to assail the orders allowing the writ petition at the instance of the respondent No.1 which is an Officers' Association as per the orders of the learned single Judge in W.P.No.28524 of 1995, dated 20-01-2004.

In W.A.No.817 of 2004, the appellant is the bank who is the Management which also seeks to assail the very same order in the said W.P.No.28524 of 1995, dated 20.01.2004 of the learned single judge allowing the writ filed by the respondent No.1 which is officers association.

In W.P.No.4878 of 2005 the petitioners who are all working as employees of the respondent No.1 Bank seek a writ of mandamus declaring the proviso to Regulation 13(iv) Rayalaseema Grameena Bank (Officers and Employees) Service Regulations 2001 as illegal, arbitrary and violative of Article 14 of the Constitution of India and Circular No.11-3/90-RRB (1), dated 22.2.1991 of the Government of India Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi and Section 24 of the Regional Rural Banks Act, 1976 and

consequently direct the 1st respondent to determine the petitioners seniority without applying the same.

Since these three cases are closely connected and involved the same question, they have been taken up together for disposal.

The aforesaid two appeals are arises out of a writ filed by the Officers Association wherein, they sought a writ of mandamus declaring the proceedings Circular No.28/STF/08/95, dated 20.02.1995 and Circular No.124/STF/40/95 dated 18.08.1995 issued by the 1st respondent herein in Cr.NB 1 DDRECD.No.C.4559/316 (Gen.)-1992-1993 dated 20.03.1993 issued by the 2nd respondent as illegal and arbitrary. These proceedings are thus initiated at the instance of the aforesaid Officers Association.

The main complaint of the said association was that they have been appointed in between 01.09.1987 and 22.02.1991 and they were treated as juniors to the Branch Managers, even though they have been equated to that of Officer Junior Management (OJM) Scale I with effect from 01.09.1987. Under the NIT award, dated 30.04.1990 of the Hon'ble Justice Obul Reddy, an equation committee was constituted and the equation committee had made its recommendations on 16.01.1991 equating the post of Officers/Field Officers to that of OJM Scale I with effect from 01.09.1987. Therefore, inter se seniority in the cadre of OJM Scale I, who were appointed between 01.09.1987 and 22.02.1991 and that they promoted between the said period. Since they were shown below those who have been appointed, hence, the present writ petition is filed.

The case of the Management/Bank was that it is also on the basis of the circular issued by the NABARD, since the employees association pleaded that till the order of the Government of India dated 22.2.1991, the field supervisors were juniors in rank to the officers and the field supervisors were working under the control of the officers/branch managers till that date. Hence, it would be appropriate to maintain inter se seniority of the officers and field supervisors before 22.2.1991 in the same order. In other words as on 22.2.1991 all the officers should rank above the field supervisors in the combined seniority list.

Taking into consideration of the respective submissions made from both sides, the learned single Judge allowed the writ petition, inter alia, holding that once award has been given effect to and the petitioners association members were conferred with the benefits of such award, the consequences must also follow and further it is also held that the award dated 30.04.1990 itself contemplated that the recommendations of the equation committee shall be given effect to from 01.09.1987 and the same cannot be denied.

Aggrieved thereby the appellant who is working as OJM with the respondent bank filed one appeal and the Management Bank has also filed the other appeal. While so some of the employees who are working as OJMs Scale I cadre with the respondent bank/management filed the other writ petition seeking to assail the validity of the Regulation 13(4) of the Rayalaseema Grameena Bank (Officers and Employees) Service Regulations 2001 as illegal wherein it was contemplated that all the erstwhile

supervisors were juniors in rank to the officers and the field supervisors were working under control of the officers/branch managers till that date.

The case of the petitioner is that initially they have been joined as Junior clerk cum cashier and further promoted as Supervisors and promoted as Field Supervisor on 21.04.1985. The National Industrial Tribunal constituted under the Chairmanship of Justice Obul Reddy on 01.09.1987, which after deliberations passed an award on 30.04.1990 directing the issue of equation of posts and consequent fixation of scales of pay, allowances other benefits for officers and employees of RRBs on par with officers and their employees of comparable level in corresponding posts in sponsor banks to be decided by the Central Government in consultation with such authorities as it may considered. Thereafter the equation committee constituted by the Government of India to look into the above issues in the year 1991. Accordingly a circular was issued on 22.2.1991 by the Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division) New Delhi vide circular No.11-3/90-RRB(1), dated 22.2.1991 accepting the recommendations of the equation committee and directed that the posts of Field Supervisors and Branch Managers in RRBs were equated with posts of Officers Junior Management Scale – I (OJMs-I) in sponsor banks and further directed that the cadre of field Supervisors existing in RRBs is abolished with effect from 01.09.1987. It is stated by the petitioners that the Branch Managers who have been recruited in the bank between

01.09.1987 and 22.2.1997 as per proceedings dated 20.2.1991 were placed at Sl.No.187 to 200 in the seniority list of officers of the said bank. Where as the Field Supervisors viz the petitioners in the said writ petition who have been in service as on 01.09.1987 and who under the G.O.I circular dated 22.2.1991 were equated with OJMS-I placed at S.Nos.201 to 300 of the seniority list of officers of the said bank, which according to the petitioner is fully unsustainable.

A reference was made to the writ petition filed by the Association and the same being filed. Therefore, having regard to the said regulations being made disturbing the very rights as vested in them is contrary to the aforesaid award and also even the recommendations, apart from the provision of the Regional Rural Banks Act, 1976.

On consideration of the various submissions made across the bar from all the sides, it is seen that there is a serious dispute in regard to the fixation of seniority after the equation of posts in terms of the proposal made in the award dated 30.04.1990 and consequent recommendations of the equation committee which has been accepted by the Government of India by the circular dated 22.2.1991. However, the complaint is that in respect of the same, the circular has been made virtually placing the Field Supervisors below the officers viz. the Branch Managers. It has been contended on behalf of the Management that the award and the committee recommendations were only in regard to the equated with posts of officers Junior Management, but otherwise nor it would in any way taken or do consider in respect of the

seniority or the other incidents of service in respect of the various posts or the equation made thereof and therefore, the petitioners cannot made any equation in this regard.

Even accepting such a contention as sought to be urged on behalf of the Management, neither the award nor the recommendation committee had taken any other aspects. But however, that itself stand disposal on a rank to the officers and the recommendations as made where the very idea is to make the post equality and was put both of them on the same positively rather than drawing for line in between. Be that as it may be the fact remains that in spite of such recommendations made by in the award and the recommendation committee and the circular issued, however the regulation which is now made by the respondent bank in fact draws a clear cut distinction and there to one above the other disturbing their claim as to the seniority or the equality inter se. This is clear on the face of and it is quite arbitrary and in the teeth of Article 14 of the Constitution of India. There is absolutely no explanation forthcoming as to how and what basis the award, the committee recommendations and the consequent circular issued by the Government of India could be put aside and to treat the Field Officers as far below that of the Branch Managers or such Officers. Therefore, there is absolutely no nexus has been pointed out in regard to the said Regulation 4 as claimed by the bank vis-à-vis the proposals as sought by them under the aforesaid award and the committee recommendations and also the consequent circulars issued. It cannot be said that the reasons on the basis of which such an award came to be passed and sought

committee recommendations and consequent issuance of circular are in any way concerned. Apart from the very basic concept of treating both of them as equally and put them on the same lines. It is not open for the respondent bank to take shelter that the award and all those proceedings are only in respect of scales of pay would not in any way or other services incidence which arises on such preparation of common seniority basis. Having regard to the same it is quite apparent that the aforesaid regulation is in the teeth of the earlier proceedings and necessarily all these matters have not been kept in view nor the respondent has keeping in view with properly in the counter affidavit filed in support of the said regulations nor any justification thereof in respect of the said proposals and recommendations of the award and committee recommendations and circular.

Accordingly we hold that the matter requires to be considered afresh in a proper perspective by the management of the Bank and made out with a policy decision and frame the necessary rule keeping in view of the award and committee recommendations and circular.

Both the appeals and the writ petition are accordingly allowed by declaring that the circular No. 11-3/90-RRB (1), dated 22.2.1991 of the Government of India Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as arbitrary and violative of Article 14 of the Constitution of India. It is needless to mention that it is left open for the Management to make proper amendment and frame necessary regulation in accordance with law.

B.PRAKASH RAO,J

D.APPA RAO,J

Dated: 10-10-2006

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